

### **REMARKS/ARGUMENTS**

Claims 1-7 and 9-20 are currently pending in the application. Claim 8 has been cancelled without prejudice or disclaimer. No new matter has been added.

Reconsideration of the pending claims of the present application is requested in view of the following remarks.

#### **Rejection under 35 U.S.C. § 112**

Claim 8 rejected under 35 U.S.C. § 112, second paragraph, as indefinite. As shown above, claim 8 has been cancelled. Accordingly, the rejection is rendered moot.

#### **Rejection under 35 U.S.C. § 101**

Claim 8 is rejected under 35 U.S.C. § 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. § 101. As shown above, claim 8 has been cancelled. Accordingly, the rejection is rendered moot.

#### **Rejections under 35 U.S.C. § 103**

The rejection of claims 1, 2, 4, 5, 9, 11, 13 and 15 under 35 U.S.C. § 103(a) as obvious over Weber et al. (WO 01/64792) in view of Dorrestijn et al. (EP 0784080); claims 6, 16, 18 and 19 as obvious over Weber et al. in view of Dorrestijn et al., and further in view of Guntherberg et al. (US 6566436); claims 1, 3, 12 and 14 as obvious over Ilg et al. (US 6867266) in view of Dorrestijn et al.; claim 20 as obvious over Weber et al. in view of Dorrestijn et al., and further in view of Ilg et al.; claim 10 as obvious over Weber et al. in view of Dorrestijn et al., and further in view of Fischer et al. (US 6479617); and claim 7 as obvious over Weber et al. in view of Dorrestijn et al., and further in view of Wicker et al. (US 6218467) are respectfully traversed.

As acknowledged and appreciated by the Examiner in the Office Action, Weber et al. and Ilg et al. fails as a primary reference since they do not describe, *inter alia*, the copolymer, part B, of present claim 1. Therefore, Dorrestijn et al., Guntherberg et al., and Wicker et al. have been applied to cure the deficiency. However, in view of the references' disclosures, there is no

apparent reason to selectively pick and choose the copolymer or other claim limitations, other than improper hindsight reasoning.

In particular, regarding Dorrestijn et al., the reference only generally describes a polymer composition comprising (A) a graft copolymer of vinyl aromatic and vinyl cyanide monomer units on a rubber, (B) a thermoplastic polyamide, C) a polymer comprising a vinyl aromatic monomer, acrylonitrile and a compound containing alpha, beta -unsaturated dicarboxylic anhydride, and at least one monofunctional dicarboxylic-anhydride-containing compound (D) with a weight average molecular weight of less than 1500 g/mol.

According to the reference, it is compound (D) that results in an impact resistance at room temperature, which is substantially higher than for a similar polymer composition in which compound (D) is absent. In addition, compound (D) is described as enhancing other aspects of the composition. Further, according to the reference at page 4, lines 10 through 22, additional improvements are made with compound C) (the compatibilizing agent), but only based on the selectively, amount, molecular weight and other factors concerning compound C). There is no indication that one would selectively choose compound C) absent several considerations regarding the composition.

Similarly, regarding Guntherberg et al. and Wicker et al. these references do not cure the deficiencies, in which one would have to selectively pick and choose the claimed components.

By contrast, the claimed specific thermoplastic molding composition provides, in the polyamide blend sector, thermoplastic molding compositions which combine good technical properties, such as heat resistance, flowability, and impact strength, even at low temperatures, and which moreover have improved colorfastness. These properties and advantages are further demonstrated in the Examples and Comparative Examples at pages 29 to 34 of the present specification.

Accordingly, the claimed invention is non-obvious over the cited references of record. Withdrawal of the rejections is respectfully requested.

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

A fee for a two-month extension of time has been paid with this Amendment. Applicant believes no additional fee is due with this Amendment. However, if an additional fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00233-US1 from which the undersigned is authorized to draw.

Dated: March 17, 2009

Respectfully submitted,

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